

PRESIDENT or EMPEROR

How The Presidential Power To Make War Has Grown To Imperial Dimensions

Five times in the past ten years Presidents have mounted major military interventions in foreign nations without prior consultation with the Congress: the Bay of Pigs, the invasion of the Dominican Republic, the attacks on North Vietnam, Cambodia, and Laos. None of these now appear to have represented a genuine emergency; none were in response to attacks upon the United States. None therefore appear to meet the requirements for the exercise of war powers by the President formulated by the makers of the Constitution.

There is no ambiguity about the intent of the Framers of the Constitution. They proposed to make it impossible for a "ruler" to plunge the nation into war. The founding fathers were determined that no American executive would have the power of a George III or a Frederick the Great.

It is only in the last twenty years or so that Presidents appear to have thrown caution and even constitutional scruples to the wind, and ventured, on their own authority, into military operations that were in fact acts of war, that were on a large scale, that were in distant parts of the globe. Our current presidential commitments are justified by new doctrines such as that of "Vital Interest" or by the "Nixon Doctrine" of shared responsibility. Of both of these it can be said that their most conspicuous feature is the fog which enshrouds them. Thus Secretary Rusk's asser-

—Henry Steele Commager before the Senate Foreign Relations Committee March 8 (abridged).

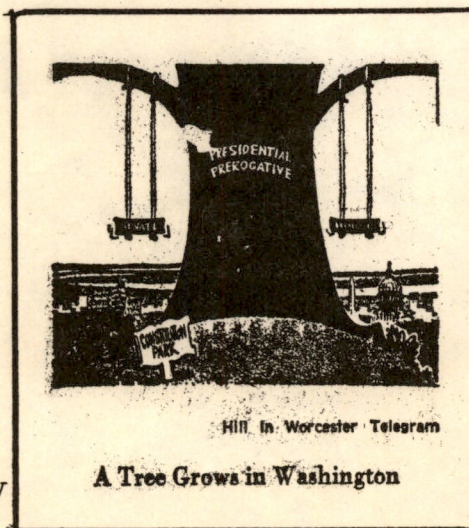
tion in 1966 that "no would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration, or United States military presence, grants immunity to aggression;" the key words, for our purposes, are "absence of treaty" and "absence of Congressional declaration."

The assumption of our constitution framers, that Presidents could not engage in war on their own, was greatly strengthened by the elementary fact that he could not if he wanted to because there were no armies or navies with which to war. At the time of the ratification of the Constitution the U.S. Army consisted of 719 officers and men, not a formidable force for military adventures. The situation did not change perceptibly over the years. Our armed forces increased to some 20,000 by 1840, to 28,000 on the eve of the Civil War and to 38,000 by 1890. Even in 1915, with the world locked in mortal combat, the armed forces of the United States were less than 175,000.

Now we have a wholly new situation. Not only do we keep some three million men under arms at all times—since 1951 the number has rarely fallen below that—but we have the greatest and most formidable armaments that any nation ever commanded. What this means is quite simply that while in the past Presidents could not involve the nation, or the world, very deeply in war without Congressional approval, now they can—and do.

The unconstitutional actions announced by the President of the United States on May 8th threaten, on a most immediate basis, the right to survival of every inhabitant of the world.

A blockade is a blockade, regardless of the carefully chosen rhetoric used to hide the fact of its existence. And a blockade is an act of war -- in this case imposed by a nation that is technically and legally not at war.



In exceeding his authority by taking an action that violates the oath of office he is sworn to uphold, as well, as by showing contempt for international law, President Nixon has thrown down the gauntlet not only to two of the world's largest and potentially most powerful nations, but to the citizens of his own country as well.

In a very real sense, he has issued a challenge to the Congress, which cannot now continue to ignore its own con-

stitutional and moral responsibilities. The National Emergency Civil Liberties Committee calls upon every member of the Senate, every member of the House of Representatives, to take whatever actions may be necessary to restore to the legislative branch its constitutional authority, over the destinies of this nation -- and to restore immediate peace in Southeast Asia.

THE FELLOWSHIP FOR SOCIAL JUSTICE
2936 West 8th Street
Los Angeles, Calif. 90005

200

JOIN OUR PEACE VIGIL
NOON, WEDNESDAYS
FEDERAL BLDG., L.A.